

REMARKS

Favorable reconsideration of this application is requested in view of the following comments. Claims 1-31 remain pending.

The pending claims have been rejected as obvious over Kuhn in view of Hodges, in some cases in combination with additional secondary references. Applicants respectfully traverse the rejections. For purposes of this paper alone, Applicants are not contesting the use of the additional secondary references; this is not a concession that those references in fact are relevant to the features against which they are cited.

Claim 1 is directed to a method of electrochemically measuring a hematocrit (Hct) value of blood. Claim 13 is directed to an electrochemical sensor. Claim 1 requires the use of an electrode system having a working electrode and a counter electrode, with a redox substance being provided on the counter electrode but not the working electrode. The sensor of claim 13 also requires the use of an electrode system having a working electrode and a counter electrode, with a redox substance being provided on the counter electrode but not the working electrode. For purposes of this response alone, the arguments for patentability are equally applicable to the method and the device, and Applicants will argue the method and the device claims together.

The combination of Kuhn and Hodges does not suggest the inventions of claim 1 and claim 13. The rejection relies on Hodges to teach that reagent could be excluded from the working electrode in Kuhn. Applicants respectfully dispute this characterization of the references.

In Kuhn, the working electrode 4 and counter electrode 5 are provided on a substrate. A polyester mesh 9 impregnated with ferricyanide and ferrocyanide components is provided above both the working electrode and the counter electrode. See Col. 3, lines 21-33. A voltage is applied to the working electrode and the counter electrode, and the reduced ferrocyanide substance is oxidized to the ferricyanide substance at the working electrode, while the oxidized ferricyanide substance is reduced to the ferrocyanide substance at the counter electrode. See Col. 4, lines 13-28. The Hct value is determined by measuring a current generated due to oxidation from a reduced ferrocyanide to the oxidized ferricyanide. See Col. 4, lines 47-52. Thus, the presence of

the ferrocyanide and ferricyanide substances at both the working electrode and the counter electrode system is critical to the analysis system contemplated in Kuhn. This essential operating principle of Kuhn teaches directly away from providing redox substance at the counter electrode but not at the working electrode as required by claims 1 and 13.

Hodges may teach that various chemical entities can be provided as desired at various locations in the reaction cell. Even so, Hodges is not providing any teachings about a particular location for a specific component of the system, and certainly does not teach or hint that a redox substance, or any other substance for that matter, should be associated with a counter electrode but not associated with a working electrode as required by claims 1 and 13. Hodges in no way suggests that the basic operation principles taught by Kuhn for its analysis system should be disregarded, and the Office Action's conclusion to this effect is not reasonable.

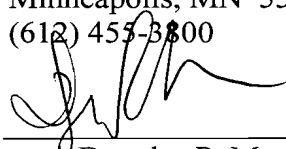
In view of the above, favorable reconsideration in the form of a Notice of Allowance is requested. Please charge any required fee or credit overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

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By: _____



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